



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Pacific Recorders & Engineering Corporation  
File: B-233783  
Date: December 27, 1988

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### DIGEST

Protest by firm not in line for the award if the protest were sustained is dismissed, since the protester does not have the requisite direct interest in the contract award to be considered an interested party under General Accounting Office Bid Protest Regulations.

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### DECISION

Pacific Recorders & Engineering Corporation protests the award of a contract to Howe Technologies Corporation under request for proposals (RFP) No. DAAC09-88-R-0030, issued by the Army for 31 modular broadcast-type audio consoles.

We dismiss the protest.

Six proposals were received in response to the RFP. Discussions were conducted and three firms, including Pacific and Howe, were determined to be technically acceptable. Of these three firms, Howe was the low priced offeror; a second firm submitted a slightly higher price than Howe; and Pacific's price was significantly higher than the other two offerors. Because the solicitation states that "award will be made to the responsible offeror submitting the lowest priced, technically acceptable proposal," the Army awarded the contract to Howe.

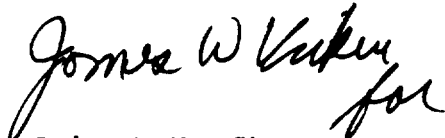
Pacific contends that Howe does not meet the technical specifications of the RFP and that the products it proposed in response to the RFP are not commercially available off-the-shelf items as required by Federal Acquisition Regulation § 11.002. The Army argues that Pacific is not an interested party to protest the award because Pacific is the third low offeror and would not be in line for award even if its protest were sustained.

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We agree. Under our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1988), a party must be "interested" in order to have its protest considered by our Office. Determining whether a party is sufficiently interested involves consideration of a party's status in relation to a procurement. Where there are intermediate parties that have a greater interest than the protester, we generally consider the protester to be too remote to establish interest within the meaning of our Bid Protest Regulations. Airtrans, Inc., B-231047, May 18, 1988, 88-1 CPD ¶ 473. A party will not be deemed interested where it would not be in line for the protested award even if its protest were sustained. Id.

As Pacific has not contested the acceptability of the second ranked offeror, we have no reason to believe that Pacific would be in line for award if its protest were sustained. Accordingly, Pacific is not an interested party entitled to protest.

The protest is dismissed.

A handwritten signature in cursive script, appearing to read "James W. Vukobratovic", with the word "for" written below it.

Robert M. Strong  
Associate General Counsel